

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.135 Intercounty drain; extension into county not in original district; procedure, apportionment of cost; addition of lands by expanded board.

Sec. 135. If at any time after an intercounty drainage district has been established and a drain has been located, established and constructed therein, it appears that it is necessary to extend the drain or drainage district into a county which was not a part of the original intercounty drainage district, the lands in the county may be added to the district by presenting to the drain commissioner of one of the counties traversed or affected by the drain, a petition signed by 50% of the land owners whose land is traversed by the drain or proposed extended drain, which petition shall state the name or number of the drain, and the lands which it is desired to have added to the drainage district. Upon receipt of the petition, the drain commissioner shall mail a copy of the petition to the state director of agriculture and also to the drain commissioner of each county in which lie lands liable for assessments for the proposed extended drain or proposed extended drainage district. The state director of agriculture shall call a meeting of the drainage board including the commissioner of any county in which lie lands that have been added to the drainage district. Notices of such meeting and all other proceedings shall be in accordance with the provisions of section 197 of this act, as amended. At the meeting all persons owning lands liable to assessment for benefits, or any district or municipality affected, may appear for or against the addition of such lands. The board shall consider the petition and any evidence offered, and if it is determined that the extension of the drain or drainage district is necessary for the good of the public health, convenience or welfare, it shall then proceed to determine the just percentage of the whole cost of construction which each county shall bear, and also determine the number of installments in which the drain taxes shall be collected. In case the commissioners cannot agree on the apportionment between counties or the number of installments, the chairman shall determine the same. If, in the opinion of the expanded drainage board, it is found necessary to add the lands to the drainage district, they shall also enter an order adding the lands. Copies of the order adding the lands to the drainage district shall be filed with the drain commissioner of each county liable for assessments of the extended drain or extended drainage district. Copies of the order adding the lands to the drainage district shall also be served upon all persons whose lands have been added to said drainage district according to section 154 of this act, as amended. After the order is filed the expanded drainage board shall constitute the drainage board for the expanded drainage district and shall have all the powers which are given to drainage boards by this act, as amended.

History: Add. 1957, Act 97, Imd. Eff. May 24, 1957.

Popular name: Act 40